



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/709,490	05/10/2004	Marcel Arthur Jan Schreuder	25040.1127	3489

29052 7590 07/19/2006

SUTHERLAND ASBILL & BRENNAN LLP
999 PEACHTREE STREET, N.E.
ATLANTA, GA 30309

EXAMINER

VANAMAN, FRANK BENNETT

ART UNIT PAPER NUMBER

3618

DATE MAILED: 07/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/709,490

Applicant(s)

SCHREUDER ET AL.

Examiner

Frank Vanaman

Art Unit

3618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) 17-24 and 32 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 and 25-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7/22/04, 11/22/04</u> . | 6) <input type="checkbox"/> Other: _____ |

Election/Restrictions

1. Applicant's election without traverse of Group I (claims 1-16 and 25-31) in the reply filed on May 11, 2006 is acknowledged. Claims 17-24 and 32 are withdrawn from consideration as being directed to a non-elected invention.

Information Disclosure Statement

2. Applicant's information disclosure statements, filed July 22, 2004 and Nov 22, 2004 have been considered; initialed copies of the 1449 forms are included herewith.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Irwin (US 4,045,048) in view of Sueshige et al. (US 6,390,216, cited by applicant). Irwin teaches a mobile device which may accommodate a user thereon (12), having a steering mechanism including at least a pair of foot sleds (42, 44), base portions (30, 32), the base pivotally connected with the foot sleds (proximate 34, 36), at least one pivot pin (66, 64, 68, 72, 74, etc.) about which portions of the base may pivot, the steering mechanism including at least a plurality of poles (left and right portions of 20; 18, 14, etc.) which are attached to the base, and which cause pivoting about the pivot pins when moved in clockwise or counterclockwise directions, a front wheel (24) a pair of rear wheels (38, 40), the rear wheels having brakes associated therewith (48, 50).

As regards claim 5, the reference to Irwin fails to teach a pair of front wheels (24), however it is well established that it is not beyond the skill of the ordinary practitioner to duplicate already-taught parts for the purpose of enhancing or multiplying the function of the taught part[s], and in this case, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide a pair of front wheels in

place of the single wheel, for the purpose of increasing the surface contact area of the cart, lowering the per-wheel load distribution.

The reference to Irwin fails to teach a product compartment, motor drive and rechargeable battery. Sueshige et al. teach a mobile device including a product compartment (96) positioned around a steering mechanism (31, 32) in a removable manner (compare figures 22, 23); the vehicle further including at least one battery (68), which may drive at least one motor (M, 13) associated with a rear wheel pair (17, 18), wherein a stopping of the motor engages a regenerative braking mode (col. 13, lines 17-18), which lacking any other storage structure would be understood to recharge the battery (68). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the vehicle of Irwin with a compartment taught by Sueshige et al. for the purpose of carrying objects (and while Sueshige et al. fail to explicitly teach objects in the compartment, in view of its purpose, it would not be at all beyond the skill of the ordinary practitioner to provide objects to be accommodated therein); further it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the cart taught by Irwin with a motor and battery drive arrangement as taught by Sueshige et al. for the purpose of allowing the vehicle to be mobile without requiring substantial physical effort on the part of the user.

5. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Irwin in view of Sueshige et al. and Farmer (US 6,712,171). The references to Irwin and Sueshige et al. are discussed above and fail to teach a lid and lockout device associated with the compartment, wherein the drive mechanism is locked out if the lid is open. Farmer teaches a vehicle having a lid element (15) which connects with a lockout device (14/18) which prevents operation of a portion of the vehicle drive when the lid is open (figures 3a, 3b). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the compartment taught by Irwin as modified by Sueshige et al. with a lid and lockout as taught by Farmer for the purpose of ensuring that the vehicle does not move under power should a user be accessing the compartment, or when items are being placed in the compartment.

Art Unit: 3618

6. Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Irwin in view of Sueshige et al. and Weiss et al. (US 6,502,656). The reference to Irwin as modified by Sueshige et al. is discussed above and fails to teach the compartment as comprising an insulated shell and having a doubly-hinged lid. Weiss et al. teach a portable mobile device which includes a top (22) doubly hinged (28, 28) to an optionally insulated container (12, 13, note col. 3, lines 46-51). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the container taught by Irwin as modified by Sueshige et al. as an insulated container with a doubly-hinged lid as taught by Weiss et al. for the purpose of maintaining a cool or warm desired temperature for the items carried in the compartment.

7. Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Irwin in view of Sueshige et al. and Nicholl et al. (US 2,812,187). The reference to Irwin as modified by Sueshige et al. is discussed above and fails to teach the compartment as including a lift mechanism biased towards an end of the compartment. Nicholl et al. teach a carrier including a compartment (15, 16, 21, etc.) which is provided with a lift mechanism (30, 31, 32, 34, 37, etc.) biased towards an end of the compartment (through 22, 28, 29, 36'). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the compartment taught by Irwin as modified by Sueshige et al. with a biased lift portion as taught by Nicholl et al. for the purpose of allowing the accommodation of a greater quantity of items if items of sufficient weight are placed in the compartment.

8. Claims 25, 29 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sueshige et al. (cited above). Sueshige et al. teaches a mobile device including a steering means (2, 34, 35) and a removable product compartment (96 compare figures 22, 23) positioned about the steering means, further including a drive means (M, 13) associated with the cart, and thus the steering means. The reference to Sueshige et al. fails to teach the compartment as containing a plurality of products, however in view of the purpose of the compartment (i.e., to contain and carry objects), it would not be at all beyond the skill of the ordinary practitioner to provide objects to be accommodated therein, for the purpose of utilizing the compartment for its intended use.

Art Unit: 3618

9. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sueshige et al. in view of Weiss. The reference to Sueshige et al. is discussed above and fails to teach the compartment as comprising an insulated shell. Weiss et al. teach a portable mobile device which includes a top (22) hinged to an optionally insulated container (12, 13, note col. 3, lines 46-51). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the container taught by Sueshige et al. as an insulated container as taught by Weiss et al. for the purpose of maintaining a cool or warm desired temperature for the items carried in the compartment.

10. Claims 27 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sueshige et al. in view of Nicholl et al. The reference to Sueshige et al. is discussed above and fails to teach the compartment as including a lift mechanism biased towards an end of the compartment. Nicholl et al. teach a carrier including a compartment (15, 16, 21, etc.) which is provided with a lift mechanism (30, 31, 32, 34, 37, etc.) biased towards an end of the compartment (through 22, 28, 29, 36'). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the compartment taught by Sueshige et al. with a biased lift portion as taught by Nicholl et al. for the purpose of allowing the accommodation of a greater quantity of items if items of sufficient weight are placed in the compartment.

11. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sueshige et al. in view of Farmer. The reference to Sueshige et al. is discussed above and fails to teach a lid and lockout device associated with the compartment, wherein the drive mechanism is locked out if the lid is open. Farmer teaches a vehicle having a lid element (15) which connects with a lockout device (14/18) which prevents operation of a portion of the vehicle drive when the lid is open (figures 3a, 3b). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the compartment taught by Sueshige et al. with a lid and lockout as taught by Farmer for the purpose of ensuring that the vehicle does not move under power should a user be accessing the compartment, or when items are being placed in the compartment.

Art Unit: 3618

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Weitzner (US 3,314,494), Liu (US 6,263,990), Micheletti (US 6,267,190), Altschul et al. (US 6,460,866), and Chmbers et al. (US 7,055,642) teach scooter devices of pertinence.

13. Any inquiry specifically concerning this communication or earlier communications from the examiner should be directed to F. Vanaman whose telephone number is 571-272-6701.

Any inquiries of a general nature or relating to the status of this application may be made through either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A response to this action should be mailed to:

Mail Stop _____
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450,

Or faxed to:

PTO Central Fax: 571-273-8300

F. VANAMAN
Primary Examiner
Art Unit 3618

Handwritten signature of F. Vanaman, dated 7/11/06.